



Access to Justice Committee

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September 13, 2002

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Mr. Robert D. Gross, Senior Program Counsel
Legal Services Corporation
750 First Street, NE, 11th Floor
Washington, DC 20002-4250

Dear Mr. Gross:

Enclosed please find the report submitted by the Louisiana State Bar Association's Access to Justice Program in response to LSC Program Letter 2000-7. The report provides a broad overview of the changes and progress that have occurred in Louisiana's delivery system over the past several years. As per our discussions with LSC, our report specifically addresses the processes and mechanisms that have been established to examine to what extent Louisiana has begun developing a comprehensive, integrated client-centered legal services delivery system. We've included information on the planners, their authority, and the mechanisms for completing further state justice community planning. The report also establishes a time frame for completion of the initial phase of review which appropriately coordinates with our commitment to reexamine our Memorandum of Understanding.

Louisiana's ATJ Committee is now in receipt of the recently drafted standards for evaluating state justice communities. Once finalized, these standards can assist our State Justice Community Planning Committee in their task of furthering the most appropriate delivery system for Louisiana. Though daunted by the tasks and challenges ahead, we are pleased with the progress that has been made toward fostering a comprehensive justice community. We are anxious to continue this work through the structures implemented by the ATJ Committee.

We are pleased to offer you this self-evaluation, and welcome your feedback. Should you have any questions please feel free to contact me or Access to Justice Director, Monte T. Mollere.

Sincerely,

David A. Hamilton, Chairman
Access to Justice Committee

Louisiana Evaluation Report

Submitted in Response to LSC Program Letter 2000-7
by the

Louisiana State Bar Association's Access to Justice Committee
September 2002

I. INTRODUCTION

The Legal Services Corporation (LSC) has asked their grantees, along with non-LSC funded programs in each state, to perform a self-evaluation of their planning efforts and activities over the last three years. In response, the Access to Justice Committee (ATJ) established a Self-Evaluation Subcommittee (SES), which turned to the difficult task of evaluating Louisiana's fluctuating and changing delivery system.

The SES found the most effective approach is to review what has been accomplished in Louisiana in the past several years. The SES did this by reviewing the benchmarks established by ATJ in its 1997 State Plan for the Delivery of Legal Services in Louisiana, as well as reviewing the activities ATJ has chosen to focus on that were not envisioned by the original state plan. In its review, the SES also considered the commitments made in the March 15, 2002 Louisiana Memorandum of Understanding (MOU). We were pleased with the accomplishments of the state, but are even more pleased with what we found to be a progression toward more activities that foster a statewide justice community; i.e., activities that assist us in better achieving a comprehensive, integrated, client-centered delivery system that fulfills the promise of equal justice for all. To this extent, we have accounted for these activities in response to the first of the questions posed by Program Letter 2000-7: To what extent has a comprehensive, integrated and client-centered legal services delivery system been achieved in a particular state?

As the SES struggled with the self-evaluation of our state planning process, it became increasingly apparent that as much as the uncertainty of reconfiguration hindered the evaluation, it also presented a planning opportunity. The SES recognized that our coordinated state planning process could be energized by the changes in service areas and deliverers. The new configuration provides an opportunity for evaluation and planning which will ensure that a "State Justice Community" focus is maintained, and the goals of the Louisiana planners are attained.

Our evaluation found a substantial structure for overseeing the development of a state justice community, but recognized the absence of an articulated shared vision of a comprehensive state justice community. The evaluation also found that a mechanism for ensuring consistent ongoing planning for that vision would make the work of ATJ more effective. As such, the SES asked ATJ to take advantage of the opportunity we have at this juncture to expand our evaluation capacity; to take a broad, objective view of planning in Louisiana; and to provide a steering committee for the development of Louisiana's State Justice Community vision. The State Justice Community Planning Committee (SJPCPC)

was created to oversee the planning and continuing development of our state justice community. The SJCPG is a standing subcommittee of ATJ and will report at each ATJ meeting on its ongoing work. We invite LSC to follow our progress by reviewing SJCPG reports which will be located at the ATJ website.

Members of the SES found it more difficult to provide meaningful responses to the second and third questions. The SES believes that a consequence of the recent reconfiguration and the refocusing on a statewide perspective through the March 15, 2002, MOU, is that it is difficult to evaluate the changing state in which we find our justice community. SES has provided a plan for continued evaluation which will become the basis for work of the SJCPG. We hope that in continuing our evaluation, we have the benefit of "Standards for Evaluating State Justice Communities" that LSC has drafted.

II. RESPONSES TO 2000-7

1. To what extent has a comprehensive, integrated and client-centered legal services delivery system been achieved in a particular state?

Since engaging in statewide planning in 1998 and 1999 Louisiana has made significant progress in the development of a statewide justice community. Some of our accomplishments:

Technology - For a number of years the Louisiana provider participants have recognized technology as a key to reaching the huge, disparate low-income population of the state. Louisiana received a TIG from LSC to establish a statewide web site that will have information for clients about their legal rights and responsibilities as well as self-help materials. Various stakeholders are participating on the Statewide Website Advisory Committee to assist in the development of both client and advocate portals. LSC-funded programs, the statewide task forces, Louisiana State Bar Association(LSBA) Committees and various providers have supplied content materials for clients.

The advocate portal of the website will include briefs and form pleadings available to public interest practitioners on a variety of poverty law topics. Many stakeholders, especially the statewide task forces, had done some of this independently and are now assisting in this worthwhile project. The Housing Law Task Force has been particularly active in this area, establishing its own Internet site to share information. It includes sections for announcements; a calendar of events of common interest; group "to-do" listings; "What's New" to highlight recent developments; a discussion forum; more than 110 documents in 14 topic areas; contact information for all members; contact information for other housing-related entities; sub-groups of specific interest; sending and receiving e-mail; and polls. The website will be able to consolidate information for each respective task force in one easily accessible location.

Information has also been posted on the LSBA website and the "Tel-Law" legal

information phone line about programs available to serve the poor. Several advocates' list serves have been developed for rapid e-mail dissemination of information and improved communication.

In conjunction with the MOU that was completed in March, a statewide Technology Initiatives Grant (TIG) application was completed. A major component of this grant was the funding of a statewide technology coordinator to assess and coordinate the technology efforts for the state. Success with this grant will afford us the opportunity to evaluate the state's systems and plan for advancements. LSC has advised us that they are strongly considering the funding of the technology coordinators' aspect of this grant.

Staff training and development - Although much of this work had been previously accomplished through Legal Services Task Forces, the Louisiana LSC funded programs and the LSBA now fund a full-time training coordinator position for the Access to Justice Program. This cooperative effort, fostered by commitments in the MOU, has begun to produce benefits already. A full time coordinator should be hired by the time this report is submitted. Already, a training information site has been created at the ATJ website (http://www.lsba.org/atj/ATJ_Training/atj_training.html) which includes a training calendar and a training survey. As per the MOU, this initial calendar was created with events planned by legal services and other cooperating groups. Scheduled training events include both general interest, special needs and non-traditional poverty law topics, all of which are of interest to attorneys practicing public interest law.

More ideas for training sessions have been developed through the quarterly meetings of task force chairs. These meetings are required by the MOU and facilitated by the ATJ Program. In the past year there have been trainings on housing law; consumer law; public benefits law; and elder law. There have also been joint trainings produced and presented by two or more task forces.

An important legal practice instrument, the 620 page Louisiana Legal Services and Pro Bono Desk Manual, was produced by Loyola University's Gillis Long Poverty Law Center. The manual was a collaborative effort of the Center, Louisiana LSC funded and pro bono programs. It was initially distributed at a seminar which provided an overview of poverty law.

Additionally, the LSBA and ATJ have assisted with the annual Justice for Children's Conference for the past several years.

The work of the training coordinator will be instrumental in the administration of the training events. Locating a statewide training function in the ATJ Program allows for a regular and coordinated source of quality training events for public interest attorneys and staff.

The ATJ training site also includes a training survey which can be answered online by legal services professional and administrative staff members. Our 2002 survey period is complete and the responses are being compiled. This or a similar survey will be used in

the already begun planning of the statewide retreat scheduled for Fall 2003. This is an excellent opportunity for staff training and education, but a particularly good opportunity to further the cohesiveness necessary for the development of Louisiana's State Justice System.

In June 2002, the two newly reconfigured LSC funded programs co-sponsored a one day training event involving their entire staffs. The seminar addressed issues relating to service delivery and compliance in an effort to enhance the state justice community.

Fundraising - Working in concert, the programs have been very successful in this area. One goal was to get a state legislative appropriation. Last year we received our first, \$100,000 for all of the LSC funded programs. This year the programs expect to receive approximately \$250,000 from the state legislature through an omnibus poverty bill.

Although a statewide statute enacted court cost filing fee add-ons, they can only be implemented through local court rules. Since the last state plan every program in the state has begun receiving some filing fee funds. Through the joint efforts of LSC funded programs, the ATJ and local pro bono programs, the maximum amount of the fee add on was increased by the legislature from \$3 to up to \$10 per filing subject to local rule. The LSBA continues the dues check-off on annual attorney registration forms to encourage easy contribution to the ATJ Fund. The Fund is a joint project of the statewide justice community. A portion of the fund is distributed to local providers in the form of mini-grants and the remainder is invested in an endowed fund administered by the Louisiana Bar Foundation(LBF). Through the efforts of the ATJ, the Fund now receives quarterly donations from the attorneys involved in Louisiana's class action tobacco litigation. Additionally, the ATJ Program was awarded its first substantial cy pres contribution of approximately \$12,000. ATJ is implementing a plan to disseminate information to attorneys involved in class action litigation to provide them with an opportunity to steer cy pres dollars to the Fund as these lawsuits are finalized and the settlement is disbursed.

With an expected devastating decrease in federal funding, the ATJ has galvanized its effort to increase funding for Louisiana legal services programs. Long range efforts include the creation of a multi year plan for fundraising in accordance with the MOU. With funding from an LSC grant, a consultant was hired and a plan should be completed by September 30, 2002. More immediate efforts include a broad-based plan to obtain a permanent source of funding from the Louisiana Legislature. A legislative consultant has agreed to provide free services to develop this plan. Additionally, the Louisiana State Senate passed a resolution creating a committee to study permanent state funding of legal services programs. LSBA President Larry Feldman has committed LSBA support of this effort.

Domestic violence - Shortly after submitting the original state plan to LSC, one program received the first Violence Against Women Act(VAWA) funding in the state to expand legal assistance to victims of domestic violence. The program worked with other programs to develop projects and apply for additional funding so that now four different grants go to

different parts of the state for this endeavor. Louisiana is awaiting the results of two more applications. Two other statewide efforts also address this issue-the Louisiana Coalition Against Domestic Violence (LCADV) and the Louisiana Attorney General's Office. They and the LSC funded programs have worked together to develop stronger relations and maximize resource use. Additionally, the ATJ Program joined LCADV in a grant application to expand statewide educational opportunities on the issue of domestic violence. After the LCADV's last conference, a statewide e-mail distribution group was started for legal services attorneys who participated in the conference. This was expanded to include other interested and involved parties.

Pro Bono - In August 2000, ATJ developed a model law firm pro bono policy and assisted with its dissemination. Through January 2002, the ATJ members and LSBA officers assisted with related publicity to encourage law firms to adopt a policy.

The ATJ Program annually collects, compiles and publicizes the results of voluntary reporting of pro bono by attorneys.

Last year the state pro bono awards were better defined and their numbers increased. ATJ worked with the LSBA to institute a new statewide "Friend of Pro Bono Award."

The ATJ Director meets quarterly with the pro bono coordinators from across the state to develop joint projects to increase pro bono participation. At their last quarterly meeting the coordinators prioritized a list of goals, and decided to first focus efforts on educating the judiciary on their role in pro bono. The group also developed a pro bono survey which the ATJ Program has distributed. The survey will help coordinators identify the statewide breadth of pro bono efforts and evaluate the work of Louisiana's pro bono programs.

Pro bono work by non-Louisiana attorneys practicing under Louisiana's Pro Hac Vice Rule was addressed when ATJ requested that the Louisiana Supreme Court exempt pro bono attorneys from its Pro Hac Vice fee. This work led to the same exemption being offered by an ABA delegate from Louisiana as an amendment to the ABA's Pro Hac Vice Rule. The amendment was accepted and the exemption has become part of the ABA's national model rule.

Expansion of outreach/ access - In addition to the information on Tel-Law and the LSBA's website (and in addition to many local program web sites), the ATJ Program published and widely distributed 500 copies of a statewide "Directory of Louisiana Civil Legal Services Providers." In addition, the ATJ Program updated the Legal Services Staff Directory which combines information on all office locations, legal services staff and their positions, practice areas, email addresses and a listing of cities and small towns identifying which LSC funded programs serve each. This is an essential tool for facilitating interaction among programs and will be continually updated.

The ATJ is working to have all state agencies that serve the low-income populations

include a notice of the availability of free legal assistance in all "Notices of Action" that they produce, something the Food Stamp Office already does.

In forma pauperis is critical to the poor in Louisiana since court costs are considerable and will likely continue to rise. Members of ATJ worked successfully to include simplified IFP forms and procedures in the new Uniform Rules of Court that took effect this year.

The feasibility of a statewide 800 number for use by hearing-impaired clients was researched by the LSC funded programs. As a result, statewide system to facilitate TDD contact should be in service before the end of 2002.

Pursuant to the MOU, the LSC funded programs united to support an application to the federal government for funding of a senior citizens legal hotline which was submitted in August. The proposal drew together a consortium of a number of stakeholders in the state, several of which had not previously been involved with statewide efforts, as well as a number of nonlegal services providers which will assist with outreach, translation for non-English speakers, etc.

In an effort to provide equal access to all poor Louisianians, no matter their geographic location, the LSC funded programs have begun the formation of a network which will allow them to provide the required expertise to all clients. As envisioned by the MOU, all LSC funded programs are being surveyed to determine the areas of expertise of their staffs in order to provide mentoring, technical assistance and co-counseling.

Statewide Advocacy - ATJ is studying the creation of a statewide Louisiana Justice Center which will provide a wider range of legal services which LSC funded programs cannot or do not provide. A team visited justice centers in Tennessee and Florida to investigate how these organizations were developed in order to determine the feasibility of creating a similar program in Louisiana. ATJ continues to work on this project which could greatly expand the work of providers.

Two advocacy projects focusing on the issue of public benefits have developed. One is a contract with the Southern Disability Law Center to file one or more impact cases on the question of which services will be provided under the state's Medicaid program. This collaboration, which included co-counseling by several legal services attorneys, has already resulted in a change in state policy which will directly benefit hundreds of severely disabled citizens by making self-propelled wheelchairs available from Louisiana's Medicaid program. The second project is the new Louisiana Disability Law Center which opened its doors in March of 2002. The Center, which provides federal litigation and other support in cases based on Title II Social Security Disability and S.S.I. claims, is currently providing services in eleven cases filed in U.S. District Courts and in eleven other cases. At its first meeting this year the LSC funded program directors formed a statewide advocacy group to explore and develop additional plans and projects.

Through statewide advocacy for the poor on energy issues Entergy, Louisiana's major

energy supplier, has agreed to provide \$4 million to help poor people in Louisiana weatherize their homes. This new program, fostered by legal services program work with suppliers, is a major stride toward addressing this critical problem for the poor.

Public Relations - During his term, the now LSBA immediate past president requested that programs host their local Members of Congress for a photo opportunity to thank them for last year's support of the LSC appropriation. Three of the seven representatives accepted invitations to participate, and the four programs in their districts hosted events. Similar efforts are underway to thank Louisiana legislators who supported the state appropriation last year for LSC funded programs.

2. To what extent have intended outcomes of a comprehensive, integrated client-centered legal service delivery system been achieved including, but not limited to, service effectiveness/quality; efficiency; equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients; and client-community empowerment?

As mentioned in the introduction, SES found it more difficult to provide meaningful responses to the second and third questions of 2000-7 at this point in the development and strengthening of Louisiana statewide justice system. However, SES and ATJ are more optimistic than ever because recent work and planning have been guided toward a more statewide perspective. In this section we present the plans and mechanisms which will ultimately help us to best answer the questions posed.

ATJ recognizes its responsibility to continue evaluating, planning and developing Louisiana's integrated state justice community. Accordingly, ATJ has asked SES to continue its work by becoming our State Justice Community Planning Committee (SJ CPC) to oversee continued evaluation and planning and to report its findings to ATJ. ATJ will review the findings; develop appropriate goals; and assist in implementation of the goals. SES's plan for continued evaluation has become the basis for the work of the SJ CPC, which met on several occasions and developed the following outline for completion of this task.

Statewide Justice Community Planning

ATJ is a standing committee of the LSBA which oversees statewide planning. It has been designated by the stakeholders as the official planning body of the state. The ATJ subcommittee responsible for directing the continued efforts is the State Justice Community Planning Committee (SJ CPC) which includes the following members:

- David A. Hamilton, attorney in private practice in Baton Rouge, and at the time of his appointment to the committee, the Chairman of the Access to Justice Committee.

- Jane Thomas, also a private attorney in Baton Rouge and Legal Services Developer for the Louisiana Governor's Office of Elderly Affairs.
- Rachel Piercey - Director of the Pro Bono Project in New Orleans, Louisiana.
- Catherine LeFleur - Staff member with the Louisiana state Supreme Court and former faculty member of the Loyola Law School.
- Joe Oelkers, Director of Acadiana Legal Services in Lafayette, Louisiana.
- Brian Lenard, Director of Southeast Louisiana Legal Services in Hammond, Louisiana.
- Monte Mollere, Director of the Access to Justice Program of the Louisiana State Bar Association, also serves on the subcommittee and provides staff support.

Additionally, a client member and/or LSC-funded organization board member will be appointed to this group by ATJ.

The SJCJP has been given the authority to develop and recommend to ATJ a system for evaluating the state planning efforts; how best to implement that system; and to complete a follow-up response to the submission which addresses Program Letter 2000-7 on behalf of the ATJ. SJCPC has been authorized to continue the evaluation process beyond the confines of the Program Letter and to develop a new comprehensive state plan as explained below.

Mission:

The SJCPC is a standing committee of the LSBA ATJ. The mission of SJCPC is to formalize a vision and a plan for a comprehensive, coordinated state justice community to deliver legal assistance to Louisiana's poor. It will steer efforts to realize that vision through development and oversight of specific achievable goals, objectives and tasks. Working with other committees and stakeholders, SJCPC will assist and coordinate various segments of the vision developed by these parties.

Objectives:

Develop a vision of the Louisiana State Justice Community shared by all critical players that can be easily articulated.

Identify and include stakeholders who can further the State Justice Community vision.

Identify and prioritize the components of Louisiana's vision of a State Justice

Community including advocacy/ equity of client access; legal education/ client empowerment; technology; resource development; and pro bono/ private bar involvement.

Identify and allocate responsibilities for each component identified.

Oversee and coordinate development of goals by designated parties for each component.

Establish an ongoing evaluation process and allocation of responsibilities.

Develop a schedule and process for furthering this vision and gathering input statewide.

Action Plans:

The three phase strategy includes an initial identification of ATJ and subcommittee projects in progress; evaluation of these projects; and developing and prioritizing new projects. The SJCPC will incorporate the projects into a comprehensive plan to enhance the work of our state justice community.

The SJCPC will meet at least every other month for the duration of this project to discuss progress and issues. SJCPC envisions that the initial evaluation and review will last from six to eight months and will begin no later than October 2002.

SJCPC Responsibilities:

SJCPC will facilitate meetings of focus groups in each of the identified component areas: advocacy; equity of client access; legal education; client empowerment; technology; resource development; and pro bono/ private bar involvement. These meetings will be held and required reports completed by April 1, 2003. Individual SJCPC members will be responsible for working with these groups in their evaluation/planning meeting(s). SJSCS members will identify and solicit stakeholders for inclusion in the groups.

SJCPC has developed a standardized format to be used by the facilitator to ensure that issues are addressed comprehensively. The format has already been successfully tested with the group addressing the issue of pro bono/ private bar involvement.

The facilitator will be responsible for completing and delivering the report of the findings of each group to SJCPC using the standardized format.

Focus Group Responsibilities:

The focus group will review the state planning documents; projects assigned to it by ATJ; and any related projects found in the MOU. Each group will be asked to consider a series of questions regarding work in that area over the past three years.

The focus group will be asked to identify any obstacles that have prevented the accomplishment of tasks and develop solutions, or decide if the project should be abandoned.

The focus group will be asked to consider new projects to accomplish specific goals and evaluate ongoing projects and prioritize them. Each group must select a concrete project and steps that can be completed by the end of 2003.

The facilitator will report to the SJCPC the results of the discussions.

By October 31, 2002, SJCPC will select focus group members (including at least one of its members and representatives of client-community organizations), select a facilitator, and schedule focus group meetings.

3. Are the best organizational and human resource management configurations and approaches being used?

We respond to this question knowing that the more extensive evaluation and ongoing work of the SJCPC will supplement our response to these inquiries as its work continues.

The delivery system in Louisiana, with respect to the LSC funded programs, is still in a state of flux. Since October 1998 the state had to explore a number of different configurations. In December 2000, LSC suggested two possible models, either one statewide program or three super-regional programs. The LSBA led the discussion by people from across the state, including program directors; board members; clients; attorneys; and other stakeholders in the two alternatives. Once the state chose the three service areas option, it became necessary to discuss how to draw those three service areas.

None of the mergers which were required under this option went according to plan. A year ago there were eight programs in the State. In one area, a competition was held which decided the issue of which entity would be funded by LSC to serve the reconfigured service area. In a second area of the state, the three Legal Services programs serving the enlarged service area intended to merge. At the last minute, one of the programs withdrew. This required the other two programs, which did merge and received the funding for the entire service area, to develop plans from scratch this year to serve the area of program that did not merge.

In the third area of the state, merger negotiations also failed to reach a satisfactory conclusion. Louisiana decided to explore a different configuration which involved dividing that service area into two parts. After reviewing the situation, it was decided to suggest to LSC they reconsider and evaluate the merits of four programs. Less than six months ago LSC redrew the final area, and the two programs that will merge to serve one of the redrawn areas is still working to complete this goal. The end result will be four programs, each serving an approximately equal number of Louisiana's eligible population.

The uncertainty has made it difficult to assess what is the best organizational and resource management configuration to use, but each program has addressed that by developing answers that work best for it. At the same time, the programs have realized a need to strengthen statewide organizational management so that programs can work together to avoid duplication of effort. The MOU moved them forward on this issue in several concrete ways as follows:

- Local programs provided funding for a state training coordinator at the ATJ Program
- Local programs committed to fund a fund-raising consultant to develop a stronger plan for resource development on a statewide basis. Eventually, this was actually funded with an LSC grant to the LSBA
- Local programs agreed to apply for a statewide Technology Improvement Grant from LSC. A cornerstone of that grant was hiring a Technology Coordinator at the LSBA to lead the programs in pursuing a unified vision and avoiding duplication in this important effort.

With respect to any problems in accounting, human resource and case management capacities in the state, none have been identified. More in depth discussion may result from our broadened evaluation process. There are currently five different systems for these management areas. The two southeast programs working toward a merger are also moving toward unification of their systems. With the new relatively small number of LSC funded programs, there is comparatively no noticeable duplication in capacities or services in the state. All accounting systems, case management systems and human resources management systems are maintained separately because they are designed to meet the unique issues that each of the new programs face. Ideas are shared freely among the programs and programs work together whenever possible. We will continue to evaluate these aspects of the programs' operations.

III. CONCLUSION

The LSBA's Access to Justice Committee recognizes its obligation as state planning entity to Louisiana's poor, and to Louisiana's legal services providers to steer a course toward the strongest possible state justice community possible. We recognize we must continue to work toward a more integrated network. However, we do also recognize the progress made toward instituting a statewide perspective during the unprecedented change and

upheaval in our system. We will continue this course and have put in place mechanisms to evaluate our progress. ATJ in conjunction with other stakeholders will continue to develop and implement mechanisms designed to facilitate and encourage a comprehensive, integrated, and responsive statewide access to justice system for Louisiana's eligible population.